

Michael G. Goldberg (MG-2135)
Anika Lewis (AL-2005)
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Email: mgoldberg@pryorcashman.com
alewis@pryorcashman.com

Of counsel:

Glenn S. Bacal
Frederick M. Cummings
David M. Andersen
JENNINGS, STROUSS & SALMON, P.L.C.
A Professional Limited Liability Company
The Collier Center, 11th Floor
201 East Washington Street
Phoenix, Arizona 85004
Telephone: (602) 262-5911
Fax: (602) 253-3255

Attorneys for Plaintiff The Frank Lloyd Wright Foundation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE FRANK LLOYD WRIGHT
FOUNDATION, an Arizona not-for-profit
corporation,

Plaintiff,

vs.

HAMPTON COURT JEWELERS LTD.
d/b/a CELLINI FINE JEWELRY, a New
York domestic business corporation,

Defendant.

Index No. 08 cv. 00422 (NRB)

ECF Case

**MOTION FOR PRO
HAC VICE ADMISSION**

TO: Marvin S. Gittes, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.
Chrysler Center
666 Third Avenue
New York, New York 10017
Attorneys for Defendant

FILED
U.S. DISTRICT COURT
2008 MAR 28 PM 3:28
S.D. OF N.Y.

MAR 28 2008

6410707-646144
JAC 045-548 D6

PLEASE TAKE NOTICE that upon the annexed Declarations of Glenn Spencer Bacal, Frederick Michael Cummings and David Mark Andersen in support of this motion and the Certificates of Good Standing annexed thereto, and the annexed Affidavit of Michael G. Goldberg in support of this motion, I, Michael G. Goldberg, a member in good standing of the Bar of this Court, will move this Court, before the Honorable Naomi Reice Buchwald, United States District Judge, at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission *pro hac vice* of Glenn Spencer Bacal, Esq., Frederick Michael Cummings, Esq., and David Mark Andersen, Esq., of the law firm Jennings, Strouss & Salmon, PLC, The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004. Mr. Bacal, Mr. Cummings and Mr. Andersen are all members in good standing of the Bar of the State of Arizona. Mr. Cummings is also a member in good standing of the State of Virginia. There are no pending disciplinary proceedings against Mr. Bacal, Mr. Cummings and Mr. Jennings in any State or Federal Court.

Dated: New York, New York
March 28, 2008

Respectfully submitted,

PRYOR CASHMAN LLP

By: 

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Anika Lewis (AL-2005)
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Attorneys for Plaintiff The Frank Lloyd Wright Foundation

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Defendant.

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ECF Case

AFFIDAVIT OF
MICHAEL G. GOLDBERG

STATE OF NEW YORK)
)SS.:
COUNTY OF NEW YORK)

MICHAEL G. GOLDBERG, being duly sworn, deposes and says:

1. I am a partner with the law firm of Pryor Cashman LLP (“Pryor Cashman”), 410 Park Avenue, New York, New York 10022, counsel for Plaintiff The Frank Lloyd Wright Foundation (“Plaintiff”) in the above-captioned action. I submit this declaration in support of Plaintiff’s motion for the admission of Glenn Spencer Bacal, Frederick Michael Cummings and David Mark Andersen *pro hac vice*, so that they may participate as counsel for Plaintiff in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in May 1994. I am also admitted to the Bar of the United States District Courts for the Southern and Eastern Districts of New York, and remain in good standing with those Courts.

3. Glenn Spencer Bacal is a member of the law firm of Jennings, Strouss & Salmon, P.L.C., The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004.

4. Mr. Bacal has been a member in good standing of the Bar of the State of Arizona since 1981.

5. A Certificate of Good Standing from the Bar of the State of Arizona, issued within the last 30 days, is attached to Mr. Bacal’s Declaration in support of the motion to appear *pro hac vice*.

6. Frederick Michael Cummings is a member of the law firm of Jennings, Strouss & Salmon, P.L.C., The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004.

7. Mr. Cummings has been a member in good standing of the Bar of the State of Arizona since 1986, and a member in good standing of the Bar of the State of Virginia since

1984.

8. Certificates of Good Standing from the Bars of the State of Arizona and the State of Virginia, issued within the last 30 days, are attached to Mr. Cummings' Declaration in support of the motion to appear *pro hac vice*.

9. David Mark Andersen is an associate at the law firm Jennings, Strouss & Salmon, P.L.C., The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004.

10. Mr. Andersen has been a member in good standing of the Bar of the State of Arizona since 2007.

11. A Certificate of Good Standing from the Bar of the State of Arizona, issued within the last 30 days, is attached to Mr. Andersen's Declaration in support of the motion to appear *pro hac vice*.

12. Mr. Bacal, Mr. Cummings and Mr. Andersen have advised me that they have never been held in contempt of any court, nor have they ever been censured, suspended or disbarred by any court. They have also each advised me that there are no disciplinary proceedings pending against them in any jurisdiction.

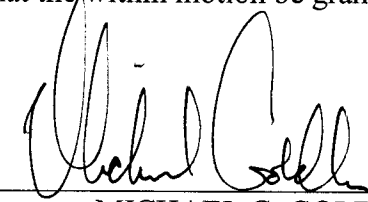
13. I have spoken with Marvin S. Gittes, counsel for defendant Hampton Court Jewelers Ltd. d/b/a Cellini Fine Jewelry, and he has consented to the applications of Messrs. Bacal, Cummings and Andersen for admission *pro hac vice*.

14. In accordance with the Southern District of New York's notice to attorneys appearing *pro hac vice*, I will arrange for the payment of the twenty-five dollar fee for Mr. Bacal,

Mr. Cummings and Mr. Andersen upon the Court's order admitting them *pro hac vice*.

WHEREFORE, it is respectfully requested that the within motion be granted in all respects.

Dated: New York, New York
March 28, 2008



MICHAEL G. GOLDBERG

Sworn to before me this
28th day of March, 2008



Notary Public

MARTINA McHUGH
Notary Public, State of New York
No. 01MC4974394
Qualified in Bronx County
Commission Expires November 13, 2010

Michael G. Goldberg (MG-2135)
Anika Lewis (AL-2005)
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Attorneys for Plaintiff The Frank Lloyd Wright Foundation

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SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

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York domestic business corporation,

Defendant.

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ECF Case

**DECLARATION OF
GLENN SPENCER BACAL**

GLENN SPENCER BACAL declares as follows:

1. I am a member of the law firm of Jennings, Strouss & Salmon, P.L.C., The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004, which is

counsel for Plaintiff The Frank Lloyd Wright Foundation ("Plaintiff").

2. I am a member in good standing of the Bar of the State of Arizona and have been since 1981.

3. Arizona is the only state in which I am admitted as a member of the Bar.

4. A Certificate of Good Standing from the Bar of the State of Arizona, issued within the last 30 days, is attached hereto as Exhibit "A."

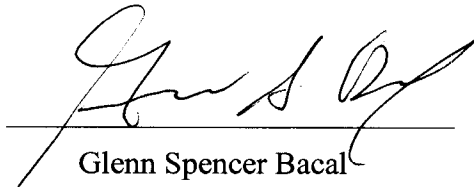
5. I have reviewed the local rules for the United States Courts of the Southern District of New York and the individual rules of the Honorable Naomi Reice Buchwald, United States District Judge.

6. I have never been held in contempt of court nor have I ever been censured, suspended or disbarred by any court. Additionally, there are no disciplinary proceedings pending against me in any jurisdiction.

WHEREFORE, it is respectfully requested that the within motion be granted in all respects.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 17, 2008.



Glenn Spencer Bacal

CERTIFICATE OF GOOD STANDING
ISSUED BY THE DISCIPLINARY CLERK
FOR AND ON BEHALF OF
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **GLENN SPENCER BACAL**, was duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona on October 17, 1981, and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.



Given under the seal of the Disciplinary Clerk of the Supreme Court of Arizona this 14th day of March, 2008.



Leticia V. D'Amore
Disciplinary Clerk

Michael G. Goldberg (MG-2135)
Anika Lewis (AL-2005)
PRYOR CASHMAN LLP
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New York, New York 10022
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Of counsel:

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Attorneys for Plaintiff The Frank Lloyd Wright Foundation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Defendant.

Index No. 08 cv. 00422 (NRB)

ECF Case

**DECLARATION OF
FREDERICK MICHAEL
CUMMINGS**

FREDERICK MICHAEL CUMMINGS declares as follows:

1. I am a member of the law firm of Jennings, Strouss & Salmon, P.L.C., The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004, which is

counsel for Plaintiff The Frank Lloyd Wright Foundation ("Plaintiff").

2. I am a member in good standing of the Bar of the State of Arizona and have been since 1986. I am also a member in good standing of the Bar of the State of Virginia and have been since 1984.

3. Arizona and Virginia are the only states in which I am admitted as a member of the Bar.

4. Certificates of Good Standing from the Bar of the State of Arizona, and from the Bar of the State of Virginia, both issued within the last 30 days, are attached hereto as Exhibit "A."

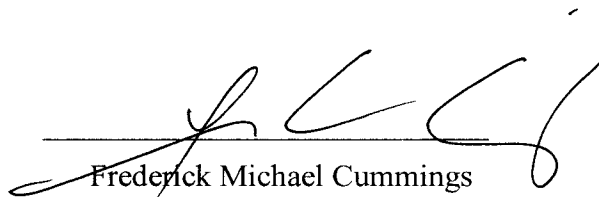
5. I have reviewed the local rules for the United States Courts of the Southern District of New York and the individual rules of the Honorable Naomi Reice Buchwald, United States District Judge.

6. I have never been held in contempt of court nor have I ever been censured, suspended or disbarred by any court. Additionally, there are no disciplinary proceedings pending against me in any jurisdiction.

WHEREFORE, it is respectfully requested that the within motion be granted in all respects.

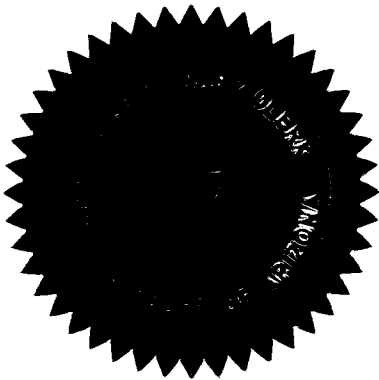
I declare under penalty of perjury that the foregoing is true and correct.

Executed on Mar. 19, 2008.



Frederick Michael Cummings

CERTIFICATE OF GOOD STANDING
ISSUED BY THE DISCIPLINARY CLERK
FOR AND ON BEHALF OF
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **FREDERICK MICHAEL CUMMINGS**, was duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona on May 10, 1986, and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.



Given under the seal of the Disciplinary Clerk of the Supreme Court of Arizona this 14th day of March, 2008.



Leticia V. D'Amore
Disciplinary Clerk

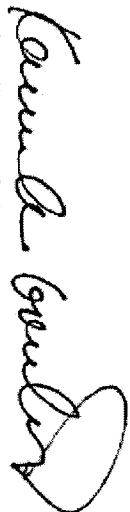


VIRGINIA STATE BAR

CERTIFICATE OF GOOD STANDING

THIS IS TO CERTIFY THAT **FREDERICK MICHAEL CUMMINGS** IS AN ASSOCIATE MEMBER OF THE VIRGINIA STATE BAR IN GOOD STANDING. **MR. CUMMINGS** WAS LICENSED TO PRACTICE LAW IN VIRGINIA ON **OCTOBER 2, 1984**, AFTER SUCCESSFULLY PASSING THE BAR EXAMINATION GIVEN BY THE VIRGINIA BOARD OF BAR EXAMINERS.

Issued March 21, 2008


KAREN A. GOULD
EXECUTIVE DIRECTOR AND
CHIEF OPERATING OFFICER

Michael G. Goldberg (MG-2135)
Anika Lewis (AL-2005)
PRYOR CASHMAN LLP
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Attorneys for Plaintiff The Frank Lloyd Wright Foundation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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York domestic business corporation,

Defendant.

Index No. 08 cv. 00422 (NRB)

ECF Case

**DECLARATION OF
DAVID MARK ANDERSEN**

DAVID MARK ANDERSEN declares as follows:

1. I am an associate at the law firm of Jennings, Strouss & Salmon, P.L.C., The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004, which is

counsel for Plaintiff The Frank Lloyd Wright Foundation ("Plaintiff").

2. I am a member in good standing of the Bar of the State of Arizona and have been since 2007.

3. Arizona is the only state in which I am admitted as a member of the Bar.

4. A Certificate of Good Standing from the Bar of the State of Arizona, issued within the last 30 days, is attached hereto as Exhibit "A."

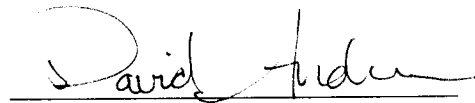
5. I have reviewed the local rules for the United States Courts of the Southern District of New York and the individual rules of the Honorable Naomi Reice Buchwald, United States District Judge.

6. I have never been held in contempt of court nor have I ever been censured, suspended or disbarred by any court. Additionally, there are no disciplinary proceedings pending against me in any jurisdiction.

WHEREFORE, it is respectfully requested that the within motion be granted in all respects.

I declare under penalty of perjury that the foregoing is true and correct.

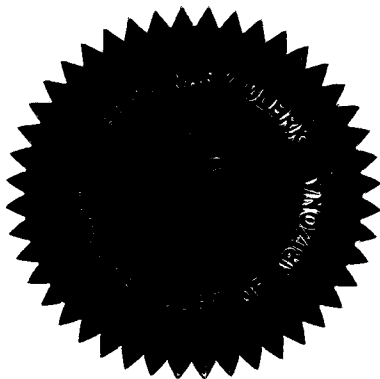
Executed on Mar. 19, 2008.

A handwritten signature in cursive script, appearing to read "David Andersen", written over a horizontal line.

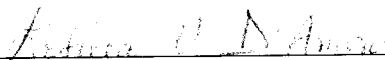
David Mark Andersen

CERTIFICATE OF GOOD STANDING
ISSUED BY THE DISCIPLINARY CLERK
FOR AND ON BEHALF OF
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **DAVID MARK ANDERSEN**, was duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona on September 26, 2007, and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.



Given under the seal of the Disciplinary Clerk of the Supreme Court of Arizona this 14th day of March, 2008.



Leticia V. D'Amore
Disciplinary Clerk

Michael G. Goldberg (MG-2135)
Anika Lewis (AL-2005)
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Attorneys for Plaintiff The Frank Lloyd Wright Foundation

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CERTIFICATE OF SERVICE

I, Anika Lewis, an associate at Pryor Cashman LLP and a member of the Bar of the
Southern District of New York, do hereby certify as follows:

1. I am not a party to the action, am over 18 years of age and reside in New York, New York.

2. On March 28, 2008, I caused to be served true and correct copies of the following documents: (1) Motion for *Pro Hac Vice* Admission dated March 28, 2008; (2) Affidavit of Michael G. Goldberg dated March 28, 2008; (3) Declaration of Glenn Spencer Bacal dated March 19, 2008, with exhibit; (4) Declaration of Frederick Michael Cummings dated March 19, 2008, with exhibits; (5) Declaration of David Mark Andersen dated March 19, 2008, with exhibit and (6) Proposed Orders for the respective Admission, *Pro Hac Vice*, of Glenn Spencer Bacal, Frederick Michael Cummings and David Mark Andersen, on:

Marvin S. Gittes, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.
Chrysler Center
666 Third Avenue
New York, New York 10017
Attorneys for Defendant

by depositing true copies of same, enclosed in an individual wrapper properly addressed to the foregoing individual at the address stated above, into the custody of Federal Express for overnight delivery, prior to the latest time designated by Federal Express for overnight delivery.

Dated: New York, New York
March 28, 2008



ANIKA LEWIS

Michael G. Goldberg (MG-2135)
Anika Lewis (AL-2005)
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Attorneys for Plaintiff The Frank Lloyd Wright Foundation

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**ORDER OF ADMISSION
PRO HAC VICE OF GLENN
SPENCER BACAL**

Upon the motion of Michael G. Goldberg, attorney for Plaintiff, The Frank Lloyd Wright Foundation, and said sponsor attorney's affidavit in support thereof and the declaration of Glenn Spencer Bacal,

IT IS HEREBY ORDERED, that Glenn Spencer Bacal, a member of the law firm of Jennings, Strouss & Salmon, P.L.C., The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004, is admitted to practice *pro hac vice* to argue or try this particular case in whole or in part as counsel on behalf of Plaintiff in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: New York, New York
March ____, 2008

Hon. Naomi R. Buchwald, U.S.D.J.

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York domestic business corporation,

Defendant.

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**ORDER OF ADMISSION
PRO HAC VICE OF FREDERICK
MICHAEL CUMMINGS**

Upon the motion of Michael G. Goldberg, attorney for Plaintiff, The Frank Lloyd Wright Foundation, and said sponsor attorney's affidavit in support thereof and the declaration of Frederick Michael Cummings,

IT IS HEREBY ORDERED, that Frederick Michael Cummings, a member of the law firm of Jennings, Strouss & Salmon, P.L.C., The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004, is admitted to practice *pro hac vice* to argue or try this particular case in whole or in part as counsel on behalf of Plaintiff in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: New York, New York
March ____, 2008

Hon. Naomi R. Buchwald, U.S.D.J.

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PRO HAC VICE OF DAVID MARK
ANDERSEN**

Upon the motion of Michael G. Goldberg, attorney for Plaintiff, The Frank Lloyd Wright Foundation, and said sponsor attorney's affidavit in support thereof and the declaration of David Mark Andersen,

IT IS HEREBY ORDERED, that David Mark Andersen, an associate of the law firm of Jennings, Strouss & Salmon, P.L.C., The Collier Center, 11th Floor, 201 East Washington Street, Phoenix, Arizona 85004, is admitted to practice *pro hac vice* to argue or try this particular case in whole or in part as counsel on behalf of Plaintiff in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: New York, New York
March ____, 2008

Hon. Naomi R. Buchwald, U.S.D.J.